IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.720 of 1998

Between:

Sree Rayalaseema Paper Mills Ltd. Rep. by its General Manager (Admn.), Mr.M.Mallanna

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Principal Secretary, Energy, Forest, Environment, Science & Technology Department

Secretariat Buildings, Hyderabad-22

2 The Director of Factories,
Ashok Nagar, Hyderabad.

3 The Inspector of Factories,
Kurnool.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ a direction more particularly one in the nature of Mandamus by declaring increase of Licence fee effected by Amendment of Schedule to Rule 5 as introduced by G.O.Ms.No. 154 dt. 26/07/1994 of the Energy & Forest (F&B) Department as arbitrary, excessive and confiscatory and violative of Articles 14 and 19(1) (g) of the Constitution of India and consequently declare the impugned order passed by the 3rd Respondent in his proceedings No. C/1509/97 dated, 26/11/1997 is illegal, void and abinitio and consequently direct the respondents not to enforce the said amended rules and direct the Respondents to renew the Factory Licence for the calendar year 1998.

Counsel for the Petitioner: MR.Y. RAMA RAO

Counsel for the Respondents: GP FOR FINANCE & PLANNING

The Court made the following:

ORDER:

The present writ petition is filed seeking to declare the increase of Licence Fees, effected by the amendment of Schedule to Rule 5 as introduced by G.O.Ms.No.154, dated 26.07.1994 of Energy and Forest (F&B) Department, and the impugned order passed by the 3rd respondent in his proceedings No.C/1509/97, dated 26.11.1997 as illegal and arbitrary and consequently to direct the respondents not to enforce the said amended rules and to renew the Factory License of the petitioner-Company for the Calendar Year 1998.

When the matter is taken up for hearing, it is submitted by the learned Government Pleader appearing for the respondents and conceded by the learned counsel for the petitioner that during the pendency of the writ petition, the Government has issued G.O.Ms.No.59, dated 08.09.2004 and in view of the same, the subject matter of the writ petition has become infructuous.

Recording the said submission, the writ petition is dismissed as having become infructuous. No costs.

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N.V. RAMANA, J.

Date: 03.03.2005

Nsr/Tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary,
Energy, Forest, Environment, Science & Technology Department

Government of Andhra Pradesh,

Secretariat Buildings, Hyderabad-22

2 The Director of Factories,
Ashok Nagar, Hyderabad.

3 The Inspector of Factories,
Kurnool.

4 Two CCs to GP for Finance and Planning, High Court of AP, Hyderabad

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